

SUPPORT FOR THE AMENDNENTS

Claims 1, 7, and 8 are currently amended.

Claims 2 is canceled.

Claims 10-12 are added.

Support for the amendment to claim 1 can be found in claim 2, as originally filed.

Claims 7 and 8 have been amended for editorial purposes, which are supported throughout the specification, as originally filed.

Support for claims 10-12 can be found throughout the specification, e.g., at page 15, lines 13-16, page 15, line 24 through page 16, line 6, and page 21, lines 16-20, as originally filed.

No new matter has been added by the amendments.

Upon entry of the amendment, claims 1 and 3-12 will be pending in the present application.

REQUEST FOR RECONSIDERATION

The claimed invention, as presently amended, relates to a secondary cell in which *both* of the solid active materials for constituting the positive electrode and the negative electrode are composed of a mixed oxygen ion and electron conductor capable of inserting and eliminating oxygen ion or absorbing and releasing oxygen. According to the present specification,

the insertion and elimination of oxygen ion or absorption and release of oxygen are performed on the positive electrode and negative electrode. Therefore, it can be made a secondary cell which performs the Rocking chair type charging and discharging by using oxygen or oxygen ion as movable ion. Moreover, the hermetical sealing of a cell is capable of being executed, and the charge and discharge are capable of being carried out by performing only a simple absorption and release or insertion and elimination without any side reaction. Therefore, the realization of a cell system having a long life span can be expected.

(Present specification at page 11, lines 17-27). Such a secondary cell is not described or suggested by the cited references of record.

Rejection Under 35 U.S.C. § 102(b)

The rejection of claims 1 and 6 under 35 U.S.C. § 102(b) as being anticipated by Sammells (U.S. Patent No. 4,803,134) is traversed and obviated by amendment.

The Sammells reference does not describe the secondary cell of the claimed invention, in which *both* of the solid active materials for constituting the positive electrode and the negative electrode are composed of a mixed oxygen ion and electron conductor.

In particular, one of conductors disclosed in the reference is a lithium absorbing and releasing material. (See Summary of the Invention at columns 1 and 2 of the reference). Moreover, it is noted that there is no suggestion or evidentiary support within the reference to achieve the claimed invention.

Therefore, the claimed invention is clearly novel and unobvious over the reference.

Accordingly, withdrawal of the rejection is requested.

Rejections Under 35 U.S.C. § 103(a)

The rejection of claims 1-6 under 35 U.S.C. § 103(a) as being unpatentable over Bruce et al. (Article entitled “Intercalation Compounds with Lithium and Oxygen Guests”) is traversed and obviated by amendment.

The Bruce et al. reference does not describe or suggest the secondary cell of the claimed invention whatsoever.

The reference only describes a phenomenon of inserting and eliminating oxygen ion for synthesizing the material, in which there is no suggestion for making a secondary cell. In particular, the synthesized material is only used for evaluating a lithium secondary cell. (See Abstract and Introduction at pages 205-206). Furthermore, it appears that the references utilizes a phenomenon of absorbing and releasing of lithium in the same manner as the Sammells reference. (See “Layered  $\text{LiMnO}_2$ ” and “Tunnel Structure” at pages 206-208).

Therefore, the claimed invention clearly would not be obvious in view of the claimed invention.

Accordingly, withdrawal of the rejection is requested.

The rejection of claim 7 over Bruce et al., and further in view of Hashimoto (U.S. Patent No. 6,287,716); the rejection of claim 8 over Bruce et al., and further in view of Worrell (U.S. Patent No. 5,298,235); and the rejection of claims 7 and 9 over Bruce et al., and further in view of Tuller (U.S. Patent No. 5,403,461) are obviated by amendment.

It is noted that these references do not cure the deficiencies of the Bruce et al. reference, since the references do not describe secondary cell, in which *both* of the solid active materials for constituting the positive electrode and the negative electrode are

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composed of a mixed oxygen ion and electron conductor, and neither has the Office relied on these references for such a disclosure.

Accordingly, withdrawal of these rejections is requested.

Rejection Under 35 U.S.C. § 112

The rejections of claims 7 and 8 under 35 U.S.C. § 112, second paragraph, are obviated by the above-amendments.

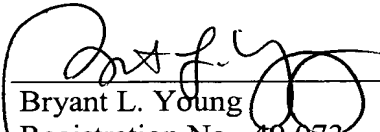
Accordingly, withdrawal of the rejections is requested.

Applicants submit that the application is now in condition for allowance. Early notification of such allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,

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